

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Examine the Commission's post-2005 Energy Efficiency Policies, Programs, Evaluation, Measurement and Verification, and Related Issues.

Rulemaking 06-04-010 (Filed April 13, 2006)

NOTICE OF PREHEARING CONFERENCE AND STAFF PROPOSAL FOR IMPLEMENTATION OF 2009 – 2011 ENERGY EFFICIENCY PORTFOLIO DEVELOPMENT AND LONG TERM GOALS UPDATE

NOTICE IS HEREBY GIVEN that the Public Utilities Commission of the State of California will conduct a prehearing conference in the above-entitled matter before Commissioner Dian Grueneich and Administrative Law Judge Kim Malcolm on February 27, 2007 at 10:00 a.m. in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California.

At the prehearing conference, the Commission will address ways to manage the proceeding, relevant issues, and other procedural matters. The Commission will hear from the parties regarding whether the appropriate scope of issues to be considered in this proceeding are included in the attached draft staff proposal and strategies regarding how those issues should be explored and resolved. At the prehearing conference, the Commission will also discuss the following proposed schedule for this proceeding:

March 16 Comments on staff proposal and procedural strategy

March 29 Issuance of Scoping Memo and Ruling

April-June Workshops, comments, hearings as required

July 2007 Proposed decision

August 2007 Final decision

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Parties desiring expedited or daily transcripts should advise the Chief Hearing Reporter by telephone at (415) 703-2288, no later than three days prior to the first day of hearing.

If you have questions about the hearing date, time, or place, call the Calendar Clerk at (415) 703-1203.

Dated February 16, 2007, at San Francisco, California.

/s/ ANGELA K. MINKIN for Kim Malcolm Administrative Law Judge

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a copy of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the copy of the filed document is current as of today's date.

Dated February 16, 2007, at San Francisco, California.



CPUC Staff Proposal for 2009-2011 Energy Efficiency Portfolio Development And Long-Term Efficiency Goals Update Process

February 16, 2007

1. GOALS

Recommendations:

- Continue to use already-adopted 2009-2011 goals from the original ten-year 2004-2013 goals.
- Focus time and personnel resources for 2009-2011 portfolios on best practice program design and implementation strategies.
- Assign "soft targets" within 2009-2011 goals for sectors (residential, commercial/institutional, industrial, agriculture) to better track progress against California's sectoral strategies (e.g. "Green Building" goals). "Soft targets" are for strategy and tracking purposes, but do not interfere with overriding goals, resource planning and risk/reward incentive policies.
- Develop and adopt long-term goals for 2012 2020, including soft targets similar to those identified for 2009-2011.

Rationale:

- The Risk/Reward Incentive Mechanism (RRIM) framework likely will assess
 performance relative to defined quantified goals. Most proposals submitted in that
 phase of the proceeding endorse the idea of performance tiers, with varying views
 on how much progress towards goals is appropriate for performance rewards to
 commence. Goals are needed as a benchmark for performance.
- CPUC Energy Division and CEC staff ("Joint Staff") are required to jointly prepare recommendations for adjustments to savings goals (see D.04-09-060, Ordering Paragraph 3). Joint Staff recommend that the CPUC continue to use the already-adopted goals for 2009-2011. It is not clear that a new round of goals updating for 2009-2011 would result in values substantially different from those in hand.
 - There are two countervailing forces. Market conditions and standards have evolved since the 2002 data used in the original goals adoption (implying EE potential might be lower). However, the 2002 potentials scope did not include all end use consumption, or non-hardware EE measures -- such as operations & maintenance or commissioning – (implying that potential could be higher).
 - PAG/PRG members generally felt program designs for 2006-2008 portfolios had room for improvement in terms of energy savings yield and/or cost efficiencies, implying that higher levels of energy savings are available.
- All parties (CPUC staff, utilities, and PAG and PRG members) have limited human resources to assign to goals-setting, planning and program design, 2006-08 portfolio administration, and 2004-05 and 2006-08 program evaluation. There is a consensus among utilities, Joint Staff, and PRG members that the best use of limited personnel

- resources available for the 2009-2011 cycle is to focus on applying best practice designs to achieve the highest levels of cost-effective EE possible.
- Work on a wholesale updating of even medium-term goals will take time. CPUC expects to issue in Q1 2007 a contract to Itron to conduct a goals update. The earliest that preliminary, new high-level information could be vetted through workshops or other proceedings would be in fall 2007, with a Commission decision 2-3 months later. The more robust EE potential data needed to inform CPUC-adopted utility EE goals (see "Issues" discussion below regarding "Phase 2 potential and goals data") would be available in summer 2008. This is too late to adopt in time for timely planning for the 2009-2011 portfolio.
- Moreover, the CPUC plans like to extend the scope of the EE Goals Update effort to 2020 in order to address AB 32 (GHG) needs, and to include post-2011 CEC projections on the likely impacts of future years of building and appliance standards. There needs to be sufficient time and care for developing these long-term goals and coordinating them with AB 32 efforts and the GHG reduction accounting framework.

Issues to Address:

What information is available to inform utility EE portfolio development so as to achieve 2009-2011 goals?

- Analyze if we are on-track with achieving the goals set for 2006-08. What feedback from implementation and market assessments is available to suggest useful improvements to program designs? What evidence suggests programs that should be expanded, contracted, or discontinued?
- The inherent lag between data from evaluation studies and their availability for future planning means that at best 2004-2005 cycle evaluations are available.
- Utilities (singly, jointly, and/or via DEER update) can make adjustments in measurelevel savings estimates that are then employed in program design and implementation strategies by considering:
 - o addition of new technologies (e.g. from Emerging Technologies activities),
 - water/energy nexus opportunities,
 - savings potential from operational and commissioning actions (non-hardware) not considered when goals adopted in 2004, and
 - elimination of savings from measures newly absorbed into codes & standards.
- Utilities can make adjustments in forward-looking market penetration estimates for program designs by
 - o reviewing to-date participation and market assessment information, and
 - possibly increasing participation assumptions from voluntary actions motivated by expanded awareness and concerns about global warming and/or AB 32.
- Accomplishing the 2009-2011 energy savings goals will draw upon both the regular 2009-2011 EE program portfolio, and also the savings contributed by Low Income EE programs.

What information will be available to inform other energy efficiency target setting efforts by the CEC and the California Air Resources Board (CARB)?

- As per AB 2021, by November 2007 the CEC must adopt ten-year EE targets (2008 2017) for both statewide and publicly-owned utility jurisdictions. CPUC and CEC staffs have discussed an approach to utilize already adopted CPUC goals through 2013, and to extend the targets for four additional years.
- As per AB 32, CARB anticipates adopting by the end of 2007 targets through 2020 for the GHG reductions from the "load-based" (utility) sector (including contributions from utility EE programs), CEC codes and standards, and other action strategies.
- To accommodate this variety of timing requirements for goal or target setting, the CPUC staff envisions tasking its goals update consultant to work in two timeframes. An initial phase will use currently available data to develop high-level targets by August 2007 for the CEC and CARB activities. In a second phase the consultant will incorporate newly available information from ongoing program evaluations, market studies, and other sources to develop more refined data for use in updating goals. The greater refinement can consider EE opportunities by technologies, end use, and customer class sectors. The CPUC can draw upon this more robust information to modify existing EE goals for 2012-13 and to adopt new goals for 2014-2020.

2. INTRODUCE BIG, BOLD STRATEGIES FOR the 2009 – 2011 PORTFOLIO CONTENT AND BEYOND

Recommendations:

Beyond the quantitative goals for energy savings (kWh, MW, therms), California utilities'
portfolios should reflect program designs that support significant, bold progress toward
measurable market penetration goals.

- These might be penetration goals for specific technologies, end uses, or market segments.
- The utility program strategies should be structured as deliberate strategies in a larger, coordinated approach that might combine State (or national) standards and "market transformation" strategies (e.g., in coordination with the CEC, USDOE or USEPA for standards, and with manufacturers and retailers, and/or with other Western states for market transformation strategies).

CPUC and CEC staffs propose that we move incrementally in this direction, starting in
2009-2011 by seeking 3-4 uniform, statewide programmatic strategies involving key end
uses or building situations. The strategies could extend more broadly to coordinated
targets, for example with other western states. The targeted utility program contributions
must be translated into energy impact kW, kWh, and therms metrics.

- ☐ Suggested "big, bold" strategies to introduce for 2009-2011:
 - 1. Convert all general purpose and directional <u>lighting</u> in California to high efficiency light sources by 2017, through a combination of incentives, market activities, and

- standards. Assign interim "soft" targets for 2009-2011, 2012-2014, and 2015-2017 for each contributing strategy.
- 2. X% of <u>residential new construction and major residential renovations</u> (during 2009-2011) to exceed Title 24 by 35%, and these levels would be incorporated into 2011 CEC Title 24 standards.¹
- X million sq. feet of <u>existing commercial buildings</u> (Y % of the market) would carry out owner/manager/operator actions to improve their energy efficiency by 20% over their 2008 baselines (documented via benchmarking). <u>Develop a trajectory for similar</u> targets in later years.
- 4. Achieve X% market penetration of SEGWHAI*-qualifying residential and small commercial retrofit/replacement gas water heaters by 2011, Y % by 2014, and incorporate into Title 20 (or Title 24) building standards by 2014. (* Super Efficient Gas Water Heating Appliance Initiative, along with California's Food Service Technology Center and PIER, and Consortium for Energy Efficiency national efforts)

[Alternate target for possible consideration:]

 Achieve X% penetration of high-efficiency A/C systems in the retrofit/ replacement residential and small commercial market segments. Systems also should be optimally sized and with high-quality installations and low-leakage duct work. This strategy might involve a national approach to climate-zone-related efficiency standards (e.g., hot-dry, warm-humid, and temperate zones).

Rationale:

- The addition of market and technology penetration strategic goals embraces the natural synergies among utility incentive programs, market transformation activities, and state and national minimum codes and standards.
- This approach can capture valuable information and ideas now being developed in ratepayer-supported Public Interest Energy Research (PIER) and EE Emerging Technologies efforts to incorporate into future utility program designs and standards.
- This integrated approach can help achieve "all cost-effective energy efficiency". It also leverages interrelationships across a continuum of implementation policies to accomplish outcomes in an accelerated timeframe.
- 2009-2011 will serve as a transition cycle in introducing just 3-4 selected "big, bold" strategic targets. This transition period will allow utilities; states, federal government, and local agencies; manufacturers and retailers; and the building community and other stakeholders to establish necessary relationships and collaborate in the planning necessary to define multi-year integrated strategies to achieve bold levels of energy efficiency.

Issues to Address:

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¹ The unquantified "X" and "Y" values are purposeful to underscore that these ideas are concepts to be further developed during the 2007 work on goals and policy rules.

- Consideration is needed for appropriate venues to accomplish the desired coordination across California stakeholders (CPUC, CEC, IOUs, public utilities, their trade associations, local governments, manufacturers and retailers, and other stakeholders.)
- Determination of savings attribution to utility versus non-utility market versus state codes and standards strategies.
- Identification of methods to formulate linkages on substance and funding among PIER, emerging technologies programs, and portfolio development decisions.
- Participation by stakeholders beyond California is desirable, but not guaranteed.
- Analysis and market evidence can support but not guarantee CEC commitments to include measures and efficiency levels in future California Title 20 or Title 24 standards.

3. INNOVATION

Separate from the "big, bold" strategies outlined above, EE policy rules need to ensure California utilities embrace program designs consistent with an adopted policy to achieve "all cost-effective energy efficiency" and to ensure that efficiency remains "first in the loading order" both for the quantify and timing in which energy efficiency is included in utility resource procurement plans.

Recommendations:

Cha	ange the	e policy rules in the following ways:
		rage head-to-head comparison among three types of programs – utility core, third- and "market transformation" styles of programs. ² Consider:
	0	Increasing the current minimum 20% of funds reserved for competitive "resource program" proposals to 30 or 40%, <u>and/or</u>
	0	Requiring that utilities accept "all reasonable "non-utility resource programs that appear reliable and are more cost-effective than utility program strategies (subject to some balancing factors, and perhaps minimum program size requirements)
	as "stat	ly permit out-sourcing to third parties the implementation of what are now known tewide utility core programs" (e.g., Savings by Design, Express Efficiency) if out-d delivery would be more cost-effective.
	or inter actions campai	""demand pull" efforts that can a) attract interest in EE measures from end users mediaries to help drive EE markets, and b) reduce the influence of "bribing" with incentives for "widgets"? (e.g., efforts might involve Flex Your Power igns, other market transformation strategies, Global Warming "What YOU can do" igns, etc.)
Ra	tionale	e.

² The unquantified "X" and "Y" values are purposeful to underscore that these ideas are concepts to be further developed during the 2007 work on goals and policy rules.

- PAG and PRG feedback suggests there may be too much "cream-skimming" or failure to avoid "lost opportunities" in the utilities' approaches to achieving short-term EE goals for the current program cycle. It is not clear that current program designs are "digging deeper" to capture more robust sets of EE actions in contact with individual end users and facilities.
- Observations suggest some third-party and partnership programs offer much higher benefit/cost ratios than some of the utility core programs.
- Program logic models developed for the current individual program designs may not always reflect Best Practice, and/or mirror actual program implementation techniques.

4. COORDINATION WITH CALIFORNIA'S AB 32 EFFORTS TO REDUCE GLOBAL WARMING

Recommendation:

☐ Accomplish close coordination among the governmental and stakeholder representatives involved in formulating 2009-2011 portfolio development, 2012-2020 long-term efficiency goals setting, and AB 32 strategies.

Rationale:

- This approach reflects the increased impetus given to energy efficiency as a key element of achieving GHG reduction goals.
- This focus will ensure all parties seize opportunities to integrate 2020 efficiency goals, "big, bold" efficiency strategies, and public interest in global warming mitigation.
- Various analyses and action plans will be assigning GHG reduction targets and strategies to the commissions, utilities, end users, and others. It is important that there be consistent and clear understanding of expectations that properly assign goals and cost responsibilities, without double-counting or unexpected gaps.
- There is a particular opportunity to integrate public communication and program delivery between energy efficiency and global warming mitigation efforts. This also should include coordination with local government efforts to reduce GHG emissions.

5. ADVISORY FRAMEWORK

Feedback from the 2005-2006 experience with the Public Advisory Groups (PAGs) and Peer Review Group (PRG) suggests there are several changes warranted for the 2009-2011 portfolios development. These would require changes to the policy rules.

Recommendations:

Re-frame the roles and membership of PAGs and PRGs to ensure their focus on achieving innovation and effective programmatic strategies, in addition to ensuring integrity of the selection of non-utility implementers and partners. Place more emphasis on input to planning and strategies, and less to what some perceive as being asked to give "rubber stamp" approval to already-designed programs.
Give greater respect to PAG member roles by keeping records of questions and recommendations and ensuring a feedback loop to provide answers and closure.

Focus on a single statewide PAG organization to ensure a focus on statewide approaches to EE markets. Make optional the use of local PAGs for individual service areas.
Identify means to compensate (otherwise uncompensated) members for their time via honoraria and reimbursed travel expenses.
Utilize paid expert consultants who advise both the utilities and PAG members on target measures and implementation strategies. The PAGs should not be viewed as a substitute for external expertise.
Eliminate discussion of cost-effectiveness issues at the PAG level so that PAG members need not be expert in understanding Standard Practice Manual and E3 calculations. Move oversight on that dimension to the PRGs.
Give the PRGs greater independent input to both utilities and also the CPUC Energy Division and DRA staff. Do this by ensuring adequate time to review filings/plans with, so as to not feel pressured to be a "rubber stamp". The PRG reports on portfolios should follow the completion of the portfolios, and should not be prepared in parallel based on seeing incomplete drafts of portfolio content.
Encourage use of a forum to incorporate dialogue between publicly-owned utilities and IOUs, together with the CEC and CPUC, toward a goal of more uniform statewide programmatic strategies.

Rationale:

- PAG meetings helped in forming the 2006-08 portfolios, but required extensive time from everyone involved. PAG members were asked to give more time than they had anticipated, and utility staff devoted substantial amounts of time to organizing and running the meetings. Utilities would prefer to see a narrower role for PAG(s), perhaps meeting primarily at the front end of putting portfolio together. If that is insufficient, then PAG meetings might be no more frequent than quarterly. PAG members would like to better understand the time obligations with being a PAG member, with the probably result that high time expectations will diminish willingness to participate, especially on a volunteer basis.
- There is widespread feeling that the PRG(s) offered valuable statewide overview &
 thinking due to the greater knowledge, commitment, and time availability from the
 individuals whose organizations could support their involvement as (primarily paid)
 PRG members. This cadre of knowledgeable individuals could be enhanced with the
 selective use of additional paid expert consultants.
- There is a commonly-held view that the PRG helps ensure a fair process for selection of third-party implementation proposals and a corollary reduction in potential external complaints on the process.

Issues to Address:

 CPUC & CEC staff resources are limited. PAG and PRG members need to have reasonable access to non-utility expertise in performing the PAG/PRG oversight. Utilities themselves also should be encouraged to utilize expert advice and assistance in formulating portfolios. Thus there needs to be a negotiated plan between the utilities and their PAG/PRG members to arrange for adequate external advice on a range of topics. These might include EE achievable potential, measure savings, program design choices, market segment analysis, and/or applying program logic models.

6. PROCESS AND SCHEDULE

Recommendations:

2009-2011 EE Portfolio Development

☐ 2009-2011 Portfolio Schedule

- Establish 2009-2011 goals and the rules/criteria for portfolio development, including competitive solicitations, by summer 2007.
- Utility/ PAG-PRG planning process to start by late/end of 2007.
- Third party proposals due by end of 2007.
- Portfolio filings by spring 2008; this would be a single filing, that contains all utility, 3rd party, and partnership programs.
- CPUC approval of portfolios by July or August 2008.
- Contracts and other implementation preparation through balance of 2008.

☐ 2009-2011 Portfolio Rationale

- Save time by the CPUC either endorsing use of the same rules for 3rd party criteria as before, or adopting new ones by summer 2007. (See joint filing on statewide bid process recommendations, already submitted)
- Focus personnel energies on best possible program designs and EE savings opportunities. Do not cause a lot of "make-work" meetings or paperwork.

2012 – 2020 EE Goals

☐ 2012-2020 Goals Schedule

- Energy Division consultant preliminary recommendations for updated goals for 2012 to 2020 issued for comment August 2007.
- Commission adopts preliminary 2012–2020 goals December 2007.
- Energy Division consultant revised recommendations for updated goals for 2012 to 2020 issued for comment Summer 2008.
- Commission updates adopted 2012 2020 goals by 1st guarter 2009.

☐ 2012-2020 Goals Rationale

• This schedule allows the Commission to provide preliminary goals for 2012-2020 that the California Air Resources Board can use for its planning process per AB 32 by the end of 2007. The Commission can subsequently update these goals, based on a more thorough analysis and report by its consultants and following a more deliberate public vetting process in 2008.

- This schedule allows the Commission to adopt updated goals for the utilities for the 2012 to 2020 to feed into the CEC's 2009 IEPR process and its first report and update for the AB 2021 targets due November 2010.
- This schedule will establish goals in time for the 2012 -2014 program planning cycle which should start in 1st quarter 2010.

Issues to Address:

- CPUC & CEC plan to work as collaborative staff on staff proposal and stakeholder input process. The agencies still need to determine whether to seek joint endorsement via Energy Action Plan forum, and/or separately through applicable CEC and CPUC proceedings.
- Utilities would conduct solicitations and select (at least on high-level basis) 3rd party program approaches ahead of the single filing to enable selecting portfolio with comparison of 3rd party and utility core program approaches.
- Create expectations to focus new program strategies around the "big bold" targets, with more incremental improvements to other programs and their designs.
- If one objective is to see more long-term strategies, would greater attention to preparation of "program logic models" (PLMs) be helpful? If so, does there need to be better understanding and use of this approach?
- Portfolio programs would be expected to indicate any applicable coordination in delivery mechanisms that might be contemplated with Low Income Energy Efficiency programs.
- Develop further policy guidance on how much uniformity and/or statewide programs
 there should be. In general, we want to dramatically reduce the now 200+ programs.
 This is too many for the public to understand, counter-productive with a desire for
 more statewide programs including public utilities, too much differentiation for PAGs
 and PRGs to deal with, and too many for administering a program evaluation
 framework.

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****** APPEARANCES ********

Gerald Lahr

ASSOCIATION OF BAY AREA GOVERNMENTS

101 8TH STREET OAKLAND CA 94607 (510) 464-7908 jerryl@abag.ca.gov

For: ABAG

Tom Eckhart

CAL - UCONS, INC. 10612 NE 46TH STREET KIRKLAND WA 98033

(425) 576-5409 tom@ucons.com

Peter Canessa

CALIFORNIA STATE UNIVERSITY, FRESNO

665 ASILO

ARROYO GRANDE CA 93420

(559) 473-0847 pcanessa@charter.net

For: CSUF

Mary Ann Dickinson **Executive Director**

CALIFORNIA URBAN WATER CONSERVATION

455 CAPITOL MAIL, SUITE 703 SACRAMENTO CA 95814

(916) 552-5885

maryann@cuwcc.org

Jeanne M. Sole Deputy City Attorney

CITY AND COUNTY OF SAN FRANCISCO 1 DR. CARLTON B. GOODLETT PLACE, RM. 234

SAN FRANCISCO CA 94102

(415) 554-4619

jeanne.sole@sfgov.org

For: City and County of San Francisco

Tamlyn M. Hunt

Energy Program Director

COMMUNITY ENVIRONMENTAL COUNCIL

26 W. ANAPAMU ST., 2/F SANTA BARBARA CA 93101

(805) 963-0583 122 thunt@cecmail.org

For: Community Environmental Council

Lynn Haug

GREGG WHEATLAND

ELLISON, SCHNEIDER & HARRIS, LLP

2015 H STREET

SACRAMENTO CA 95816

(916) 447-2166

lmh@eslawfirm.com

For: Dept. of General Services/Energy Policy Advisory

Committee

Robert E. Burt

INSULATION CONTRACTORS ASSN. 4153 NORTHGATE BLVD., NO.6

SACRAMENTO CA 95834

(916) 568-1826 bburt@macnexus.org

For: Insulation Contractors Assn.

Jody London

JODY LONDON CONSULTING

PO BOX 3629

OAKLAND CA 94609

(501) 459-0667

jody_london_consulting@earthlink.net

For: County of Los Angeles, Internal Services Department

Diana L. Lee

Legal Division

RM. 4300

505 VAN NESS AVE

San Francisco CA 94102 3298

(415) 703-4342

dil@cpuc.ca.gov

Thomas S. Crooks

Director

MCR PERFORMANCE SOLUTIONS 1020 SUNCAST LANE, SUITE 108

EL DORADO HILLS CA 95672

(916) 932-0113

tcrooks@mcr-group.com

For: MCR Performance Solutions

Don Meek

Attorney At Law

10949 SW 4TH AVENUE PORTLAND OR 97219

For: Women's Energy Matters

Cynthia K. Mitchell

530 COLGATE COURT

RENO NV 89503

(775) 324-5300

ckmitchell1@sbcglobal.net

For: TURN

Last Update on 06-FEB-2007 by: LIL R0604010 LIST

Audrey Chang ERIC WANLESS

NATURAL RESOURCES DEFENSE COUNCIL

111 SUTTER STREET, 20TH FLOOR

SAN FRANCISCO CA 94104

(415) 875-6100 achang@nrdc.org

For: Natural Resources Defense Council (NRDC)

Chonda J. Nwamu PETER OUBORG Attorney At Law

PACIFIC GAS AND ELECTRIC COMPANY

77 BEALE STREET, B30A SAN FRANCISCO CA 94105

(415) 973-6650 cjn3@pge.com

For: Pacific Gas and Electric

Gail L. Slocum ANDREW L. NIVEN

PACIFIC GAS AND ELECTRIC COMPANY

ROOM 3151

77 BEALE STREET

SAN FRANCISCO CA 94120

(415) 973-6583 glsg@pge.com

For: Pacific Gas and Electric Company

Shirley A. Woo Attorney At Law

PACIFIC GAS AND ELECTRIC COMPANY

PO BOX 7442

SAN FRANCISCO CA 94120

(415) 973-2248 SAW0@pge.com

For: Pacific Gas and Electric Company

J. Andrew Hoerner REDEFINING PROGRESS 1904 FRANKLIN STREET OAKLAND CA 94612 (510) 507-4820

hoerner@redefiningprogress.org

For: Redefining Progress

Amber W. Watkins RLW ANALYTICS, INC 1055 BROADWAY, SUITE G SONOMA CA 95476 (707) 939-8823 X 10 amber.watkins@rlw.com

Carlos F. Pena Attorney At Law

SAN DIEGO GAS & ELECTRIC COMPANY

101 ASH STREET SAN DIEGO CA 92101

(619) 696-4320

cfpena@sempra.com

For: San Diego Gas & Electric/SoCal Gas

Steven D. Patrick

SAN DIEGO GAS & ELECTRIC COMPANY 555 WEST FIFTH STREET, SUITE 1400

LOS ANGELES CA 90013-1011

(213) 244-2954

spatrick@sempra.com

For: San Diego Gas & Electric Company and Southern California

Gas Company

Irene M. Stillings

SAN DIEGO REGIONAL ENERGY OFFICE

8520 TECH WAY, SUITE 110 SAN DIEGO CA 92123

(858) 244-1192

irene.stillings@sdenergy.org

For: San Diego Regional Energy Office

Richard Esteves

SESCO, INC.

77 YACHT CLUB DRIVE LAKE HOPATCONG NJ 07849

(973) 663-5125 sesco@optonline.net For: SESCO

Hank Ryan

SMALL BUSINESS CALIFORNIA

325 30TH AVENUE SANTA CRUZ CA 95062

(510) 459-9683

hryan@smallbusinesscalifornia.org For: Small Business California

Michele Swanson

SOUTH BAY CITIES COUNCIL OF GOVERNMENTS

3868 CARSON STREET, SUITE 110

TORRANCE CA 90503

(310) 543-3022

michele@sbesc.com

For: South Bay Energy Savings Center

Larry R. Cope

MIKE MONTOYA - Attorney At Law SOUTHERN CALIFORNIA EDISON 2244 WALNUT GROVE AVENUE

ROSEMEAD CA 91770

(626) 302-3477

Last Update on 06-FEB-2007 by: LIL R0604010 LIST

larry.cope@sce.com For: Southern California Edison

Michael Boccadoro THE DOLPHIN GROUP 925 L STREET, SUITE 800 SACRAMENTO CA 95814 (916) 441-4383

mboccadoro@dolphingroup.org

For: Inland Empire Utilities, Chino Basin Coalition,

Santa Ana Watershed Project Authority

Diana Mahmud Attorney At Law THE METROPOLITAN WATER DISTRICT OF SOUTH PO BOX 54153 LOS ANGELES CA 90054-0153 (213) 217-6985 dmahmud@mwdh2o.com

For: The Metropolitan Water District of Southern

California

For: TURN

Hayley Goodson Attorney At Law THE UTILITY REFORM NETWORK 711 VAN NESS AVENUE, SUITE 350 SAN FRANCISCO CA 94102 (415) 929-8876 hayley@turn.org

Marcel Hawiger Attorney At Law THE UTILITY REFORM NETWORK 711 VAN NESS AVENUE, SUITE 350 SAN FRANCISCO CA 94102 (415) 929-8876 marcel@turn.org For: TURN

Robert C. Wilkinson Director, Water Policy Program 4426 BREN BUILDING SANTA BARBARA CA 93106 wilkinson@es.ucsb.edu

Barbara George WOMEN'S ENERGY MATTERS PO BOX 548 FAIRFAX CA 94978 (510) 915-6215 wem@igc.org For: Women's Energy Matters (WEM) Nilgun Atamturk Executive Division RM. 5303 505 VAN NESS AVE San Francisco CA 94102 3298 (415) 703-4953 nil@cpuc.ca.gov

Gary Klein CALIFORNIA ENERGY COMMISSION 1516 NINTH STREET SACRAMENTO CA 95814 (916) 653-8555 gklein@energy.state.ca.us

Michael Messenger CALIFORNIA ENERGY COMMISSION 1516 9TH STREET SACRAMENTO CA 95814 (916) 654-4774 Mmesseng@energy.state.ca.us

Nancy Jenkins, P.E. Manager CALIFORNIA ENERGY COMMISSION 1516 NINTH STREET MS-43 SACRAMENTO CA 95814

Sylvia Bender CALIFORNIA ENERGY COMMISSION 1516 9TH STREET, MS22 SACRAMENTO CA 95814 (916) 653-6841 sbender@energy.state.ca.us

Jeanne Clinton Executive Division RM. 4102 505 VAN NESS AVE San Francisco CA 94102 3298 (415) 703-1159 cln@cpuc.ca.gov

Cheryl Cox Division of Ratepayer Advocates RM. 4209 505 VAN NESS AVE San Francisco CA 94102 3298 (415) 703-3027 cxc@cpuc.ca.gov For: DRA

Last Update on 06-FEB-2007 by: LIL R0604010 LIST

****** STATE EMPLOYEE *******

Fred L. Curry Water Division RM. 3106 505 VAN NESS AVE

San Francisco CA 94102 3298

(415) 703-1739 flc@cpuc.ca.gov

Tim G. Drew Energy Division AREA 4-A

505 VAN NESS AVE

San Francisco CA 94102 3298

(415) 703-5618 zap@cpuc.ca.gov

Meg Gottstein

Administrative Law Judge

PO BOX 210/21496 NATIONAL STREET

VOLCANO CA 95689 (209) 296-4979 gottstein@volcano.net

Nora Y. Gatchalian Water Division AREA 3-C

505 VAN NESS AVE

San Francisco CA 94102 3298

(415) 703-2144 nyg@cpuc.ca.gov

Meg Gottstein

Administrative Law Judge Division

RM. 2106

505 VAN NESS AVE

San Francisco CA 94102 3298

(415) 703-4802 meg@cpuc.ca.gov

Mikhail Haramati Energy Division AREA 4-A

505 VAN NESS AVE

San Francisco CA 94102 3298

(415) 703-1458 mkh@cpuc.ca.gov

Edward Howard

Division of Strategic Planning

RM. 5110

505 VAN NESS AVE

San Francisco CA 94102 3298

Judith Ikle Energy Division RM. 4012

505 VAN NESS AVE San Francisco CA 94102 3298

(415) 703-1486 jci@cpuc.ca.gov

Peter Lai Energy Division RM. 500

320 WEST 4TH STREET SUITE 500

Los Angeles CA 90013 (213) 576-7087 ppl@cpuc.ca.gov

Kim Malcolm

Administrative Law Judge Division

RM. 5005

505 VAN NESS AVE

San Francisco CA 94102 3298

(415) 703-2822 kim@cpuc.ca.gov

Ariana Merlino Energy Division

1350 FRONT ST., STATE BLDG. ROOM 4006

San Diego CA 92101 (619) 525-4220 ru4@cpuc.ca.gov

Thomas Roberts

Division of Ratepayer Advocates

RM. 4205

505 VAN NESS AVE

San Francisco CA 94102 3298

(415) 703-5278 tcr@cpuc.ca.gov

Don Schultz

Division of Ratepayer Advocates

RM. SCTO

770 L STREET, SUITE 1050 Sacramento CA 95814

(916) 327-2409 dks@cpuc.ca.gov For: DRA

Joyce Steingass

Division of Ratepayer Advocates

RM. 4104

505 VAN NESS AVE

Last Update on 06-FEB-2007 by: LIL R0604010 LIST

(415) 703-1114 trh@cpuc.ca.gov

Jeorge S. Tagnipes Energy Division AREA 4-A 505 VAN NESS AVE San Francisco CA 94102 3298 (415) 703-2451 jst@cpuc.ca.gov

Christine S. Tam
Division of Ratepayer Advocates
RM. 4209
505 VAN NESS AVE
San Francisco CA 94102 3298
(415) 355-5556
tam@cpuc.ca.gov
For: DRA

Zenaida G. Tapawan-Conway Energy Division AREA 4-A 505 VAN NESS AVE San Francisco CA 94102 3298 (415) 703-2624 ztc@cpuc.ca.gov

Christopher R Villarreal Division of Strategic Planning RM. 5119 505 VAN NESS AVE San Francisco CA 94102 3298 (415) 703-1566 crv@cpuc.ca.gov

Steven A. Weissman Administrative Law Judge Division RM. 5107 505 VAN NESS AVE San Francisco CA 94102 3298 (415) 703-2195 saw@cpuc.ca.gov

Pamela Wellner Energy Division AREA 4-A 505 VAN NESS AVE San Francisco CA 94102 3298 (415) 703-5906 pw1@cpuc.ca.gov

Michael Wheeler Energy Division AREA 4-A 505 VAN NESS AVE San Francisco CA 94102 3298 (415) 355-5532 jws@cpuc.ca.gov

Sean Wilson Water Division AREA 3-C 505 VAN NESS AVE San Francisco CA 94102 3298 (415) 703-1818 smw@cpuc.ca.gov

******* INFORMATION ONLY ********

John Laun APOGEE INTERACTIVE, INC. 1220 ROSECRANS ST., SUITE 308 SAN DIEGO CA 92106 (619) 840-4804 jlaun@apogee.net

Bruce Mclaughlin BRAUN & BLAISING, P.C. 915 L STREET, SUITE 1420 SACRAMENTO CA 95814 (916) 326-5812 mclaughlin@braunlegal.com

Peter C. Jacobs BUILDING METRICS INC. 2540 FRONTIER AVE. SUITE 100 BOULDER CO 80301 (303) 444-4289 pjacobs@buildingmetrics.biz

Janet Whittick BUSINESS ENERGY COALITION MC B8R, PGE PO BOX 770000 SAN FRANCISCO CA 94177-0001 (415) 973-5445 jewz@pge.com

Ed Osann
Executive Director
CALIF. URBAN WATER CONSERVATION COUNCIL
1001 CONNECTICUT AVE., NW. SUITE 801
WASHINGTON DC 20036
(202) 429-8873
eosann@starpower.net

Bill Kelly Correspondent CALIFORNIA ENERGY CIRCUIT PO BOX 1022

Last Update on 06-FEB-2007 by: LIL R0604010 LIST

San Francisco CA 94102 3298 (415) 703-5147 mmw@cpuc.ca.gov

Richard Sapudar CALIFORNIA ENERGY COMMISSION 1516 NINTH STREET SACRAMENTO CA 95814 (916) 653-4521 rsapudar@energy.state.ca.us

CALIFORNIA ENERGY MARKETS 517-B POTRERO AVENUE SAN FRANCISCO CA 94110 CEM@newsdata.com

John Celona 505 VISTA AVENUE SAN CARLOS CA 94070 (650) 802-9201 jcelona@sbcglobal.net

Michael Cheng 2723 HARLAND COURT WALNUT CREEK CA 94598 (925) 947-2188 michael.cheng@paconsulting.com

Ann Kelly Department Of The Environment

CITY AND COUNTY OF SAN FRANCISCO 11 GROVE STREET SAN FRANCISCO CA 94102 (415) 355-3720

(415) 355-3720 ann.kelly@sfgov.org

Nora Hernandez COUNTY OF LOS ANGELES-INTERNAL SERVICES 1100 N. EASTERN AVENUE

LOS ANGELES CA 90063 (323) 881-3949

nhernandez@isd.co.la.ca.us

Gene Thomas ECOLOGY ACTION 211 RIVER STREET SANTA CRUZ CA 95060 (831) 426-5925

(831) 426-5925 gthomas@ecoact.org

Mahlon Aldridge ECOLOGY ACTION, INC. PO BOX 1188 SANTA CRUZ CA 95061 (831) 426-5925 X 116 emahlon@ecoact.org SOUTH PASADENA CA 91031 (626) 441-2112

southlandreports@earthlink.net

Ted Flanigan

ECOMOTION - THE POWER OF THE INCREMENT 1537 BARRANCA PARKWAY, SUITE F-104 IRVINE CA 92618

IRVINE CA 92618 (949) 450-7155

TFlanigan@EcoMotion.us

Crystal Needham
Senior Director, Counsel
EDISON MISSION ENERGY

18101 VON KARMAN AVE., STE 1700 IRVINE DC 92612-1046

(949) 798-7977

cneedham@edisonmission.com

Walter Mcguire

EFFICIENCY PARTNERSHIP 2962 FILLMORE STREET SAN FRANCISCO CA 94123

(415) 775-7571

wmcguire@fypower.org

Shaun Ellis

2183 UNION STREET SAN FRANCISCO CA 94123

(415) 771-7571 317 sellis@fypower.org

Tom Hamilton Managing Partner

ENERGY CONCIERGE SERVICES

321 MESA LILA RD GLENDALE CA 91208

(818) 306-5099 THAMILTON5@CHARTER.NET

Norman J. Furuta

FEDERAL EXECUTIVE AGENCIES

333 MARKET STREET, 10TH FLOOR, MS 1021A

SAN FRANCISCO CA 94105-2195

(415) 977-8808

norman.furuta@navy.mil

Larry L. Bye

FIELD RESEARCH CORPORATION 222 SUTTER STREET SUITE 700 SAN FRANCISCO CA 94108

(415) 392-5763 larryb@field.com

Last Update on 06-FEB-2007 by: LIL R0604010 LIST

Thomas P. Conlon President GEOPRAXIS PO BOX 5 SONOMA CA 95476-0005 (707) 280-1529 tconlon@geopraxis.com

Dave Gordon
Program Manager
SAN DIEGO REGIONAL ENERGY OFFICE
8510 TECH WAY, SUITE 110
SAN DIEGO CA 92123-1450
david.gordon@sdenergy.org

Dr. Hugh (Gil) Peach H GIL PEACH & ASSOCIATES LLC 16232 NW OAKHILLS DRIVE BEAVERTON OR 97006 (503) 645-0716 hgilpeach@scanamerica.net

Douglas E. Mahone HESCHONG MAHONE GROUP 11626 FAIR OAKS BLVD., 302 FAIR OAKS CA 95628 (916) 962-7001 dmahone@h-m-g.com

Jennifer Holmes ITRON INC. 11236 EL CAMINO REAL SAN DIEGO CA 92130 (831) 457-9822 jennifer.holmes@itron.com

Alex Kang ITRON, INC. 1111 BROADWAY, STE. 1800 OAKLAND CA 94607 (510) 844-2896 alex.kang@itron.com

John Cavalli ITRON, INC. 1111 BROADWAY, STE. 1800 OAKLAND CA 94607 (510) 844-2876 john.cavalli@itron.com Rachel Harcharik ITRON, INC. 11236 EL CAMINO REAL SAN DIEGO CA 92130 (858) 724-2638 rachel.harcharik@itron.com

Bob Ramirez ITRON, INC. (CONSULTING & ANALYSIS DIV.) 11236 EL CAMINO REAL SAN DIEGO CA 92130 (858) 724-2650 bob.ramirez@itron.com

Jeff Hirsch JAMES J. HIRSCH & ASSOCIATES 12185 PRESILLA ROAD CAMARILLO CA 93012-9243 (805) 553-9000 Jeff.Hirsch@DOE2.com

Katie Shulte Joung 455 CAPITOL MALL, SUITE 703 SACRAMENTO CA 95814 (916) 552-5885 katie@cuwcc.org

Kurt J. Kammerer K. J. KAMMERER & ASSOCIATES PO BOX 60738 SAN DIEGO CA 92166-8738 (619) 546-6175 kjk@kjkammerer.com

Edward Vine LAWRENCE BERKELEY NATIONAL LABORATORY BUILDING 90-4000 BERKELEY CA 94720 (510) 486-6047 elvine@lbl.gov

David R. Pettijohn Manager, Water Resources Development LOS ANGELES DEPT.OF WATER & POWER 111 NORTH HOPE STREET, ROMM 1460 LOS ANGELES CA 90012 (213) 367-0899 David.Pettijohn@ladwp.com

Richard Mccann M.CUBED

Last Update on 06-FEB-2007 by: LIL R0604010 LIST

2655 PORTAGE BAY ROAD, SUITE 3 DAVIS CA 95616 (530) 757-6363 rmccann@umich.edu

Peter Miller Consultant 1834 DELAWARE STREET BERKELEY CA 94703 (510) 847-5161 p.miller@earthlink.net

MRW & ASSOCIATES, INC. 1814 FRANKLIN STREET, SUITE 720 OAKLAND CA 94612 (510) 834-1999 mrw@mrwassoc.com

Devra Wang SHERYL CARTER, PETER MILLER NATURAL RESOURCES DEFENSE COUNCIL 111 SUTTER STREET, 20TH FLOOR SAN FRANCISCO CA 94104 (415) 875-6100 dwang@nrdc.org

Eric Wanless NATURAL RESOURCES DEFENSE COUNCIL 111 SUTTER STREET, 20TH FLOOR SAN FRANCISCO CA 94104 (415) 875-6100 ewanless@nrdc.org

Laurie Park NAVIGANT CONSULTING, INC. 3100 ZINFANDEL DRIVE, SUITE 600 RANCHO CORDOVA CA 95670-6078 (916) 631-3200 lpark@navigantconsulting.com

Terry M. Fry NEXANT, INC. 101 SECOND STREET, 10TH FLOOR SAN FRANCISCO CA 94105 (415) 369-1021 tmfry@nexant.com

Andy Goett
PA CONSULTING GROUP
425 MARKET STREET, 22ND FLOOR
SAN FRANCISCO CA 94105
(415) 955-2619
andy.goett@paconsulting.com

Carl Duisberg
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, B9A
SAN FRANCISCO CA 94105
(415) 973-1981
C1D7@pge.com

Frank Diaz PACIFIC GAS AND ELECTRIC COMPANY PO BOX 770000 MAIL CODE B9A SAN FRANCISCO CA 94177 (415) 973-1713 fdd3@pge.com

Jay Luboff
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000, MC B9A
SAN FRANCISCO CA 94177
(415) 973-5241
J1Ly@pge.com

Jennifer Barnes
PACIFIC GAS AND ELECTRIC COMPANY
MAIL STOP N6G
PO BOX 770000
SAN FRANCISCO CA 94177
(415) 973-2797
j5b2@pge.com

Josephine Wu PACIFIC GAS AND ELECTRIC COMPANY PO BOX 770000, MAIL CODE B9A SAN FRANCISCO CA 94177 (415) 973-3414 jwwd@pge.com

Rafael Friedmann Supervisor Customer Energy Efficiency PACIFIC GAS AND ELECTRIC COMPANY PO BOX 770000 SAN FRANCISCO CA 94177-0001 (415) 972-5799 rafi@pge.com

William C. Miller
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000
SAN FRANCISCO CA 94177
(415) 973-4911
wcm2@pge.com

Last Update on 06-FEB-2007 by: LIL R0604010 LIST

Carl Pechman
POWER ECONOMICS
901 CENTER STREET
SANTA CRUZ CA 95060
cpechman@powereconomics.com

Kenny Swain POWER ECONOMICS 901 CENTER STREET SANTA CRUZ CA 95060 (813) 427-9990 kswain@powereconomics.com

Brian Hedman Vice President QUANTEC, LLC 720 SW WASHINGTON STREET, STE 400 PORTLAND OR 97205 (503) 228-2992 brian.hedman@quantecllc.com

Eileen Parker QUEST 2001 ADDISON STREET, STE. 300 BERKELEY CA 94704 (510) 540-7200 eparker@qcworld.com

Shilpa Ramalya 77 BEALE STREET, ROOM 981 SAN FRANCISCO CA 94105 (415) 973-3186 srrd@pge.com

Lauren Casentini RESOURCE SOLUTIONS GROUP, INC. 711 MAIN STREET HALF MOON BAY CA 94019 (650) 726-5113 lcasentini@rsgrp.com

Robert Kasman RLW ANALYTICS 1055 BROADWAY, SUITE G SONOMA CA 95476 (707) 939-8823 X 32 robert.kasman@rlw.com

Stacia Okura RLW ANALYTICS, INC. 1055 BROADWAY, SUITE G SONOMA CA 95476 (707) 939-8823 X 17 stacia.okura@rlw.com Robert Mowris, P.E. ROBERT MOWRIS & ASSOCIATES PO BOX 2141 OLYMPIC VALLEY CA 96145 (530) 583-1570 rmowris@earthlink.net

Jill Rugani RUNYON SALTZMAN & EINHORN, INC. ONE CAPITOL MALL, SUITE 400 SACRAMENTO CA 95814 jrugani@rs-e.com

Molly Harcos RUNYON, SALTZMAN & EINHORN, INC. 1 CAPITOL MALL, SUITE 400 SACRAMENTO CA 95814 (916) 446-9900 mharcos@rs-e.com

Joy C. Yamagata Regulatory Manager SAN DIEGO GAS & ELECTRIC/SOCALGAS 8330 CENTURY PARK COURT, CP 32 D SAN DIEGO CA 92123 (858) 654-1755 jyamagata@semprautilities.com

Central Files
SAN DIEGO GAS AND ELECTRIC COMPANY
8330 CENTURY PARK COURT, CP31E
SAN DIEGO CA 92123
(858) 654-1240
centralfiles@semprautilities.com

Jennifer Porter
Policy Analyst
SAN DIEGO REGIONAL ENERGY OFFICE
8690 BALBOA AVENUE
SAN DIEGO CA 92123
(858) 244-1180
jennifer.porter@sdenergy.org

Sephra A. Ninow Research Assistant SAN DIEGO REGIONAL ENERGY OFFICE 8690 BALBOA AVENUE, SUITE 100 SAN DIEGO CA 92123 (858) 244-1186 sephra.Ninow@sdenergy.org

Last Update on 06-FEB-2007 by: LIL R0604010 LIST

Michael Baker Vice President SBW CONSULTING, INC. 2820 NORTHUP WAY, SUITE 230 BELLEVUE WA 98004 (425) 827-0330

mbaker@sbwconsulting.com

Don Arambula SOUTHERN CALIFORNIA EDISON 2131 WALNUT GROVE AVENUE ROSEMEAD CA 91770 (626) 302-8179

Case Administration SOUTHERN CALIFORNIA EDISON COMPANY 2244 WALNUT GROVE AVENUE ROSEMEAD CA 91770

(626) 302-3003 case.admin@sce.com

don.arambula@sce.com

Tory S. Weber SOUTHERN CALIFORNIA EDISON COMPANY 2131 WALNUT GROVE AVENUE ROSEMEAD CA 91770 (626) 302-8186 tory.weber@sce.com

Nikhil Gandhi STRATEGIC ENERGY TECHNOLOGIES, INC. 17 WILLIS HOLDEN DRIVE ACTON MA 01720 (978) 264-0511 gandhi.nikhil@verizon.net

Patricia Thompson SUMMIT BLUE CONSULTING 1766 LACASSIE AVE. SUITE 103 WALNUT CREEK CA 94596 (925) 935-0270 pthompson@summitblue.com

Melissa Mcguire SUMMIT BLUE CONSULTING LLC 1722 14TH STREET, SUITE 230 BOULDER CO 80302 (720) 564-1130 mmcguire@summitblue.com Dan Geis THE DOLPHIN GROUP 925 L STREET, SUITE 800 SACRAMENTO CA 95814 (916) 441-4383 dgeis@dolphingroup.org For: Inland Empries Utilities Agency

Grey Staples THE MENDOTA GROUP, LLC 1830 FARO LANE SAINT PAUL MN 55118 (651) 204-0458 gstaples@mendotagroup.net

Timothya. Blair THE METROPOLITAN WATER DISTRICT 700 N. ALAMEDA STREET LOS ANGELES CA 90012 tblair@mwdh2o.com

William P. Mcdonnell THE METROPOLITAN WATER DISTRICT 700 N. ALAMEDA STREET LOS ANGELES CA 90012 bmcdonnell@mwdh2o.com

Craig Tyler TYLER & ASSOCIATES 2760 SHASTA ROAD BERKELEY CA 94708 (510) 841-8038 craigtyler@comcast.net

Cheryl Collart VENTURA COUNTY REGIONAL ENERGY ALLIANCE 1000 SOUTH HILL ROAD, STE. 230 VENTURA CA 93003 (805) 289-3335 cheryl.collart@ventura.org

Stephen F. Hall Senior Consultant WILLIS ENERGY SERVICES LTD. 500 - 885 DUNSMUIR STREET VANCOUVER BC V6C 1N5 CANADA (604) 685-2206 shall@willsenergy.com